

AMENDED IN SENATE MAY 4, 2005  
AMENDED IN SENATE APRIL 20, 2005

**SENATE BILL**

**No. 428**

**Introduced by Senator Scott**

February 17, 2005

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An act to amend Sections 41500, 41505, 41506, 41522, 41530, 41531, and 41532 of, to repeal Section 41505.5 of, and to repeal and add Sections 41507 and 41572 of, the Education Code, relating to education finance.

LEGISLATIVE COUNSEL'S DIGEST

SB 428, as amended, Scott. Education finance.

(1) Existing law authorizes a school district and a county office of education to transfer up to 15% of the amount of funds apportioned for the school safety consolidated competitive grant, the professional development block grant, the targeted instructional improvement block grant, and the school and library improvement block grant, to any other program for which the school district or county office of education is eligible for funding. Existing law requires a school district to track those transfers using the Standardized Account Code Structure, as specified.

This bill would delete the requirement that a school district track those transfers using the Standardized Account Code Structure.

(2) Existing law establishes the pupil retention block grant for the purposes of apportioning block grant funds, composed of funding from and for specified existing categorical education programs, to certain school districts. Existing law requires the State Department of Education to make an initial allocation of 75% of the allocation for a school district of block grant funds, and to make the remaining portion of the allocation only after supplemental instructional programs for

pupils enrolled in grades 7 to 12, inclusive, who do not demonstrate sufficient progress toward passing the high school exit examination, and programs of direct, systematic, and intensive supplemental instruction to pupils enrolled in grades 2 to 9, inclusive, who have been recommended for retention or who have been retained, have been fully funded, as specified.

This bill would authorize a school district to use pupil retention block grant funds only if those supplemental instructional programs are fully funded, and would include those supplemental instructional programs within the block grant.

Existing law requires a school district that receives pupil retention block grant funds to have a school level advisory committee and a single school plan.

This bill would instead require that, as a condition to the receipt of pupil retention block grant funds, a school district shall establish and maintain a schoolsite council.

(3) Existing law establishes the teacher credentialing block grant for the purposes of apportioning block grant funds, composed of funding from and for beginning teacher support and assessment programs, to certain school districts. Existing law requires that the amount of block grant funding a school district receives be adjusted for inflation, as specified, and for growth, as measured by the regular average daily attendance used for the second principal apportionment.

This bill would instead require that the amount of block grant funding a school district receives be adjusted for growth, as measured by the number of eligible participants in those programs.

(4) Existing law establishes the professional development block grant, composed of funding from and for specified existing categorical education programs. Existing law requires the Superintendent to apportion block grant funds to a school district based on the number of certificated teachers employed by the school district in the immediately prior fiscal year. Existing law authorizes a school district to expend these funds if it provides each teacher of kindergarten or any of grades 1 to 6, inclusive, with opportunities to participate in professional development activities in reading language arts/English language development, expending at least an amount that is equal to the proportion that funding calculated pursuant to the existing Mathematics and Reading Professional Development Program. Existing law requires that the amount of block grant funding a school district receives be adjusted for inflation, as specified, and for growth,

as measured by the regular average daily attendance used for the second principal apportionment.

This bill would delete that proportional expenditure requirement and would additionally require a school district to provide information on teacher development needs and the effectiveness of programs included within the block grant, as requested by the Superintendent. The bill would, commencing with the 2006–07 fiscal year, include the Mathematics and Reading Professional Development Program within the block grant. The bill would require that the amount of block grant funding a school district receives be adjusted for growth, as measured by the number of certificated teachers employed by the school district in the immediately prior fiscal year.

(5) Existing law requires a school district that receives school and library improvement block grant funds to have a school level advisory committee and a single school plan.

This bill would instead require that, as a condition to the receipt of school and library improvement block grant funds, a school district shall establish and maintain a schoolsite council.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 41500 of the Education Code is  
2     amended to read:  
3     41500. (a) Notwithstanding any other provision of law, a  
4     school district and county office of education may expend in a  
5     fiscal year up to 15 percent of the amount apportioned for the  
6     block grants set forth in Article 3 (commencing with Section  
7     41510), Article 5 (commencing with Section 41530), Article 6  
8     (commencing with Section 41540), or Article 7 (commencing  
9     with Section 41570) for any other programs for which the school  
10    district or county office is eligible for funding, including  
11    programs whose funding is not included in any of the block  
12    grants established pursuant to this chapter. The total amount of  
13    funding a school district or county office of education may  
14    expend for a program to which funds are transferred pursuant to  
15    this section may not exceed 120 percent of the amount of state  
16    funding allocated to the school district or county office for  
17    purposes of that program in a fiscal year. For purposes of this

subdivision, “total amount” means the amount of state funding allocated to a school district or county office for purposes of a particular program in a fiscal year plus the amount transferred in that fiscal year to that program pursuant to this section.

(b) A school district and county office of education shall not, pursuant to this section, transfer funds from Article 2 (commencing with Section 41505) and Article 4 (commencing with Section 41520).

(c) Before a school district or county office of education may expend funds pursuant to this section, the governing board of the school district or the county board of education, as applicable, shall discuss the matter at a noticed public meeting.

(d) A school district shall continue to track transfers made pursuant to this section.

SEC. 2. Section 41505 of the Education Code is amended to read:

41505. (a) There is hereby established the pupil retention block grant. Commencing with the 2005–06 fiscal year, the Superintendent shall apportion block grant funds to a school district in the same relative statewide proportion that the school district received in the 2003–04 fiscal year for the programs listed in Section 41506.

(b) (1) A school district may expend funds received pursuant to this article for any purpose authorized by the programs listed in Section 41506 as the statutes governing those programs read on January 1, 2004, if programs of supplemental instruction offered pursuant to Sections 37252 and 37252.2 are fully funded.

(2) ~~It is the intent of the Legislature that funds~~ *Funds* made available pursuant to this article ~~be first~~ *shall be first* used to meet the requirements of Sections 37252 and 37252.2. ~~It is further the intent of the Legislature that no~~ *A claim for* reimbursement for costs mandated by Sections 37252 and 37252.2 ~~shall not~~ *shall not* be made without first demonstrating that *all* funds made available pursuant to this article ~~are~~ *have been* used to meet the requirements of Sections 37252 and 37252.2 *and additional unreimbursed costs for meeting these requirements remain.*

(c) For purposes of this article, “school district” includes a county office of education if county offices of education are eligible to receive funds for the programs that are listed in

1 Section 41506. The block grant of a county office of education  
2 shall be based only on those programs for which it was eligible to  
3 receive funds in the 2003–04 fiscal year.

4 SEC. 3. Section 41505.5 of the Education Code is repealed.

5 SEC. 4. Section 41506 of the Education Code is amended to  
6 read:

7 41506. The pupil retention block grant shall include funding  
8 previously apportioned to school districts for purposes of the  
9 following programs:

10 (a) Supplemental instruction as set forth in Sections 37252,  
11 37252.2, 37252.8, and 37253, Article 1 (commencing with  
12 Section 53025) of Chapter 16 and Chapter 18 (commencing with  
13 Section 53091) of Part 28. Notwithstanding any other provision  
14 of law, funding attributable to the programs identified in this  
15 subdivision shall be adjusted annually at both the statewide and  
16 local educational agency levels to reflect actual participation, and  
17 local educational agency funding eligibility shall not exceed the  
18 statutory limitations for these programs, as the statutes governing  
19 these programs read on January 1, 2004.

20 (b) Continuation high schools as set forth in Section 42243.7.

21 (c) High-Risk Youth Education and Public Safety as set forth  
22 in Part 26.95 (commencing with Section 47750).

23 (d) Tenth grade counseling as set forth in Sections 48431.6  
24 and 48431.7.

25 (e) Opportunity programs as set forth in Article 1  
26 (commencing with Section 48630) and Article 2.3 (commencing  
27 with Section 48643) of Chapter 4 of Part 27. The pupil retention  
28 block grant shall not include funding apportioned to county  
29 offices of education for opportunity schools and programs  
30 administered under Sections 48640 and 48641.

31 (f) Dropout prevention and recovery as set forth in Article 6  
32 (commencing with Section 52890) and Article 7 (commencing  
33 with Section 52900) of Chapter 12 of Part 28, Article 3  
34 (commencing with Section 54660) and Article 7 (commencing  
35 with Section 54720) of Chapter 9 of Part 29, and Chapter 3.5  
36 (commencing with Section 58550) of Part 31. A school district  
37 that received funds pursuant to the programs listed in this  
38 subdivision in the 2003–04 fiscal year shall utilize funds received  
39 pursuant to this article to maintain at least the same number of  
40 outreach consultants as described in Section 52890 that were

utilized by the school district in the 2004–05 fiscal year. A school district shall place consultants first in the school that has the highest percentage of pupils eligible for the federal free and reduced price lunch program. The school district shall then place consultants in the school with the next highest percentage of those pupils and continue in this manner until the school district places in its schools all the outreach consultants required to be placed pursuant to this section.

(g) Early intervention for school success as set forth in Article 4.5 (commencing with Section 54685) of Chapter 9 of Part 29.

(h) An at-risk youth program operated by the Los Angeles Unified School District that is funded pursuant to Item 6110-280-0001 of Section ~~2.0~~ 2.00 of the annual Budget Act.

SEC. 5. Section 41507 of the Education Code is repealed.

SEC. 6. Section 41507 is added to the Education Code, to read:

41507. (a) As a condition to the receipt of funds, a school district shall establish and maintain a schoolsite council at each schoolsite that receives funds pursuant to this article, to be composed of all of the following:

(1) The principal.

~~(2) A representative of the teachers, selected by his or her peers.~~

~~(3) A representative of other school personnel, selected by his or her peers.~~

~~(4) A representative of the parents or guardians of pupils attending the school, selected by his or her peers.~~

*(2) One or more representatives of the teachers, selected by teachers at the site.*

*(3) One or more representatives of other school personnel, selected by those persons.*

*(4) One or more representatives of parents or guardians of pupils attending the school, selected by those parents or guardians.*

(5) If the school serves pupils enrolled in any of grades 9 to 12, inclusive, a representative of the pupils, selected by his or her peers.

(b) An existing schoolwide advisory group or school support group that conforms with subdivision (a) may serve as the schoolsite council.

1 (c) A school district that maintains a kindergarten or any of  
2 grades 1 to 8, inclusive, and that has jurisdiction over schools  
3 that share a common attendance area, may establish a single  
4 schoolsite council for the common attendance area.

5 (d) The duties of the schoolsite council shall include all of the  
6 following:

7 (1) Advise the principal and the governing board of the school  
8 district on priorities for meeting the educational needs of each  
9 pupil, based on an assessment of the capability of each school.

10 (2) Specify objectives for improvement.

11 (3) Indicate actions necessary to achieve objectives for  
12 improvement, including intended outcomes.

13 SEC. 7. Section 41522 of the Education Code is amended to  
14 read:

15 41522. Commencing with the 2006–07 fiscal year, the  
16 amount of funding a school district receives pursuant to this  
17 article shall be adjusted for inflation by the amount calculated  
18 pursuant to Section 42238.1 and for growth as measured by the  
19 number of eligible participants in the programs described by  
20 Section ~~45121~~ 41521.

21 SEC. 8. Section 41530 of the Education Code is amended to  
22 read:

23 41530. (a) There is hereby established the professional  
24 development block grant. Commencing with the 2005–06 fiscal  
25 year, the Superintendent shall apportion block grant funds to a  
26 school district based on the number of certificated teachers  
27 employed by the school district in the immediately prior fiscal  
28 year.

29 (b) A school district may expend funds received pursuant to  
30 this article for any purpose authorized by the programs listed in  
31 Section 41531, as the statutes governing those programs read on  
32 January 1, 2004, if the school district does both of the following:

33 (1) Provides each teacher of kindergarten or any of grades 1 to  
34 6, inclusive, with opportunities to participate in professional  
35 development activities in reading language arts/English language  
36 development.

37 (2) Provides information on teacher development needs and  
38 the effectiveness of programs listed in Section 41531, as  
39 requested by the Superintendent.

(c) For purposes of this article, “school district” includes a county office of education if county offices of education are eligible to receive funds for the programs that are listed in Section 41531. The block grant of a county office of education shall be based only on those programs for which it was eligible to receive funds in the 2003–04 fiscal year.

SEC. 9. Section 41531 of the Education Code is amended to read:

41531. The professional development block grant shall include funding apportioned to school districts prior to January 1, 2005, for purposes of the following programs:

(a) Staff development as set forth in Article 7.5 (commencing with Section 44579) of Chapter 3 of Part 25.

(b) Teaching as a Priority Block Grant as set forth in Chapter 3.36 (commencing with Section 44735) of Part 25.

(c) Intersegmental programs funded pursuant to Item 6110-197-0001 of Section 2.00 of the annual Budget Act.

(d) Commencing with the 2006–07 fiscal year, the Mathematics and Reading Professional Development Program as set forth in Article 3 (commencing with Section 99230) of Chapter 5 of Part 65.

SEC. 10. Section 41532 of the Education Code is amended to read:

41532. Commencing with the 2006–07 fiscal year, the amount of funding a school district receives pursuant to this article shall be adjusted for inflation by the amount calculated pursuant to Section 42238.1 and for growth as measured by the number of certificated teachers employed by the school district in the immediately prior fiscal year.

SEC. 11. Section 41572 of the Education Code is repealed.

SEC. 12. Section 41572 is added to the Education Code, to read:

41572. (a) As a condition to the receipt of funds, a school district shall establish and maintain a schoolsite council at each schoolsite that receives funds pursuant to this article, to be composed of all of the following:

(1) The principal.

~~(2) A representative of the teachers, selected by his or her peers.~~



1 ~~(3) A representative of other school personnel, selected by his~~  
2 ~~or her peers.~~

3 ~~(4) A representative of the parents or guardians of pupils~~  
4 ~~attending the school, selected by his or her peers.~~

5 *(2) One or more representatives of the teachers, selected by*  
6 *teachers at the site.*

7 *(3) One or more representatives of other school personnel,*  
8 *selected by those persons.*

9 *(4) One or more representatives of parents or guardians of*  
10 *pupils attending the school, selected by those parents or*  
11 *guardians.*

12 *(5) If the school serves pupils enrolled in any of grades 9 to*  
13 *12, inclusive, a representative of the pupils, selected by his or her*  
14 *peers.*

15 *(b) An existing schoolwide advisory group or school support*  
16 *group that conforms with subdivision (a) may serve as the*  
17 *schoolsite council.*

18 *(c) A school district that maintains a kindergarten or any of*  
19 *grades 1 to 8, inclusive, and that has jurisdiction over schools*  
20 *that share a common attendance area, may establish a single*  
21 *schoolsite council for the common attendance area.*

22 *(d) The duties of the schoolsite council shall include all of the*  
23 *following:*

24 *(1) Advise the principal and the governing board of the school*  
25 *district on priorities for meeting the educational needs of each*  
26 *pupil, based on an assessment of the capability of each school.*

27 *(2) Specify objectives for improvement.*

28 *(3) Indicate actions necessary to achieve objectives for*  
29 *improvement, including intended outcomes.*